

HOUSE BILL No. 1592

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-45-4-1.

Synopsis: Breastfeeding in public. Provides a defense for a person charged with public indecency for breastfeeding her child in a public place.

Effective: July 1, 2003.

**Becker, Weinzapfel, Lawson L,
Welch, Budak**

January 16, 2003, read first time and referred to Committee on Human Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1592

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-45-4-1, AS AMENDED BY P.L.121-2000,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 1. (a) **Except as provided in subsection (b)**, a
4 person who knowingly or intentionally, in a public place:

5 (1) engages in sexual intercourse;
6 (2) engages in deviate sexual conduct;
7 (3) appears in a state of nudity; or
8 (4) fondles the person's genitals or the genitals of another person;
9 commits public indecency, a Class A misdemeanor.

10 (b) However, the offense under subsection (a) is a Class D felony if
11 the person commits the offense:

12 (1) by appearing in the state of nudity with the intent to arouse the
13 sexual desires of the person or another person in or on a public
14 place where a child less than sixteen (16) years of age is present;
15 (2) in a public park and has a prior unrelated conviction that was
16 entered after June 30, 2000, for an offense under this section;
17 (3) in or on school property and has a prior unrelated conviction



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1 that was entered after June 30, 2000, for an offense under this
 2 section; or

3 (4) in department of natural resources owned or managed property
 4 and has a prior unrelated conviction that was entered after June
 5 30, 2000, for an offense under this section.

6 **(c) It is a defense for a person accused of committing an act**
 7 **under subsection (a)(3) that the accused person was breastfeeding**
 8 **her child in a public place.**

9 **(d)** "Nudity" means the showing of the human male or female
 10 genitals, pubic area, or buttocks with less than a fully opaque covering,
 11 the showing of the female breast with less than a fully opaque covering
 12 of any part of the nipple, or the showing of covered male genitals in a
 13 discernibly turgid state.

14 ~~(d)~~ **(e)** A person who, in a place other than a public place, with the
 15 intent to be seen by persons other than invitees and occupants of that
 16 place:

17 (1) engages in sexual intercourse;

18 (2) engages in deviate sexual conduct; or

19 (3) fondles the person's genitals or the genitals of another person;
 20 where the person can be seen by persons other than invitees and
 21 occupants of that place commits indecent exposure, a Class C
 22 misdemeanor.

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